

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SEATTLE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ANDY CHING FONG CHEN and AERO
SPACE PORT INTERNATIONAL GROUP,
INC.

Defendants, and

NORTH AMERICAN FOREIGN TRADE
ZONE INDUSTRIES, LLC;
WASHINGTON ECONOMIC
DEVELOPMENT CAPITAL, LLC;
WASHINGTON ECONOMIC
DEVELOPMENT CAPITAL II, LLC; EVF,
INC; MOSES LAKE 96000 BUILDING
LLC; SUN BASIN ORCHARDS, LLC;
JOHN CHEN, TOM CHEN, BOBBY CHEN
and HEIDI CHEN,

Relief Defendants.

Case No. 17-cv-00405-JLR

**[PROPOSED] ORDER APPROVING
RECEIVER'S FINAL REPORT,
APPROVING DISBURSEMENTS,
DISCHARGING THE RECEIVER
AND GRANTING OTHER RELIEF**

JLR

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**[PROPOSED] ORDER APPROVING RECEIVER'S FINAL REPORT,
APPROVING DISBURSEMENTS, DISCHARGING THE RECEIVER
AND GRANTING OTHER RELIEF - 1**

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Upon consideration of the Receiver's Motion to Approve Final Report of Receiver Geoffrey B. Winkler, Authorize Disposal of Records Held by the Receiver, Discharge the Receiver and His Professionals, Terminate the Receivership and Grant Related Relief, Geoffrey B. Winkler, solely in his capacity as Court-appointed Receiver (the "Receiver") of Washington Economic Development Capital III, LLC ("EDC III"), requesting the entry of an order: (1) approving the Final Report of Receiver (ECF No. 216) (the "Final Report"); (2) approving the disbursements, including the payment of professional fees and expenses, that are detailed in the Final Report; (3) authorizing the abandonment, destruction, or turnover of records regarding the Receivership that are held by the Receiver and his professionals; (4) declaring that the Receiver and each of his agents, employees, professionals, attorneys, tax accountants, independent contractors and representatives are: (a) discharged with respect to the Receivership; (b) released from all claims and liabilities arising out of and/or pertaining to the Receivership; and (c) relieved of all duties and responsibilities pertaining to the Receivership; (5) terminating the Receivership; and (6) granting related relief; the Court having jurisdiction to hear and determine the Motion and having determined that notice of the Motion is sufficient and no further notice is necessary, and after due deliberation and consideration of the Motion, and there being good cause to grant the relief provided herein; **it is ORDERED:**

1. The Motion is granted;
2. The Final Report and all disbursements made between November 21, 2021 and January 20, 2024 are hereby approved;
3. The Receiver is allowed compensation in the amount of \$46,576.28 made up of \$23,605.82 in holdback, \$22,345.90 in fees and expenses incurred from April 1, 2023 through January 20, 2024 and \$624.56 for fees, plus the de minimis interest payment the Receivership estate receives after the filing of this Final Report, and request that the Court allow for the estimated cost to complete any remaining tasks, including filing of final bank statements, destruction or turnover of documents, disbursement to professionals, and reviewing and signing

1 final tax returns. The Receiver is authorized to pay such allowed amount of compensation from
2 the assets of the Receivership Estate, in addition to any amounts previously approved and unpaid.
3 The Receiver's compensation for services and reimbursement of expenses, whether previously
4 approved or approved un this Order, is allowed on a final basis;

5 4. The Receiver's counsel Foster Garvey is allowed compensation in the amount of
6 \$13,669.70, made up of \$5,860.90 in holdback, \$7,008.80 in fees and expenses incurred from
7 April 1, 2023 through January 20, 2024 and \$800.00 for fees and expenses to close the case. The
8 Receiver is authorized to pay such allowed amount of compensation from the assets of the
9 Receivership Estate, in addition to any amounts previously approved and unpaid. Foster Garvey's
10 compensation for services and reimbursement of expenses, whether previously approved or
11 approved un this Order, is allowed on a final basis;

12 5. The Receiver's tax accountant Baker Tilly USA, LP is allowed compensation in
13 the amount \$15,465.66, made up of \$10,465.66 in fees and expenses incurred from April 1, 2023
14 through January 20, 2024 and \$5,000.00 for fees and expenses to close the case and future work
15 to complete outstanding tax returns. The Receiver is authorized to pay such allowed amount of
16 compensation from the assets of the Receivership Estate, in addition to any amounts previously
17 approved and unpaid. Baker Tilly's compensation for services and reimbursement of expenses,
18 whether previously approved or approved un this Order, is allowed on a final basis;

19 6. The Receiver is authorized to dispose of the records of the Receivership Entities
20 by turning them over to any party legally entitled to receive copies of such records upon receipt
21 of a written request from such party within thirty (30) days of the entry of this Order, and if no
22 such request is timely received by the Receiver, by abandoning or destroying such records, as
23 determined by the Receiver in his sole discretion, except that the Receiver will maintain records
24 created by the Receiver or his staff, including records related to the Receiver's distributions to
25 investors, for a period of at least 10 years;

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7. Other than the remaining funds in the Receivership Estate, which the Receiver will disburse pursuant to this Order and as described in the Final Report, any and all Receivership assets not distributed or otherwise administered by the Receiver as of the closing of the Receivership Estate are deemed abandoned, except as follows: to the extent the Receiver possesses or comes to possess funds that would belong to the Receivership if it were not terminated, the Receiver will send such funds to the Securities and Exchange Commission for further transmittal to the U.S. Treasury. Abandoned assets may be destroyed or discarded, without regard to title or value, in the sole and absolute discretion of the Receiver. In the event the Court receives funds that would belong to the Receivership if it were not terminated, the Court Clerk is hereby directed to send such funds to the Securities and Exchange Commission for further transmittal to the U.S. Treasury;

8. Upon the disbursement of the remaining Receivership funds as set forth in the Final Report and this Order, the Receivership is hereby terminated and the Receiver and each of his agents, employees, professionals, attorneys, tax accountants, independent contractors and representatives are: (a) discharged with respect to the Receivership; (b) released from all claims and liabilities arising out of and/or pertaining to the Receivership; and (c) relieved of all duties and responsibilities pertaining to the Receivership;

9. This Court shall retain jurisdiction over any and all matters relating to the Receiver, the Receivership and the Receivership Estate, including, without limitation, any matters relating to the distribution of funds by the Receiver in connection with his obligations as Receiver or otherwise received after the Receivership is closed; and


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JUDGE JAMES L. ROBERT
UNITED STATES DISTRICT COURT JUDGE

FOSTER GARVEY P.C.

/s/ Tara J. Schleicher
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Counsel to Receiver